

December 22, 1999

William deBoisblanc
Director of Permit Services
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Re: Proposed Major Facility Review Permit for Crown Cork and Seal

Dear Mr. deBoisblanc:

Thank you for the opportunity to comment on the proposed Proposed Major Facility Review Permit for the Crown Cork and Seal facility located in Fremont, CA. This permit was received by EPA on November 19, 1999. Our comments are enclosed.

We look forward to continuing to work with Bay Area AQMD in the implementation of its permit programs. If you have any questions about this matter, please contact Steve Branoff of my staff at (415) 744-1290.

Sincerely,

Matt Haber
Chief, Permits Office

Enclosure

cc: Ray Menebroker, CARB
E. John Pysar, Crown Cork and Seal

U.S. EPA Region IX Comments
Proposed Major Facility Review Permit
Crown Cork and Seal, Facility #A9814
Bay Area AQMD

1. The permit for this facility includes a permit shield for three requirements since these requirements do not apply to this facility. The use of a shield is appropriate in this case, and the District has listed the non-applicable requirements very specifically with a good discussion of why these do not apply. We are concerned, however, that the shield also states that “(e)nforcement actions and litigation may not be initiated against the source or group of sources covered by this shield based on the regulatory and/or statutory provisions cited.” The permit shield provisions in 40 CFR 70.6(f) specify that a permit shield may be included in a Part 70 permit which allows compliance with the permit to be deemed compliance with applicable requirements. Therefore, the permit should ensure that the shielded requirements remain non-applicable to the facility, and the permit should specify that the shield is only valid as long as the facility is in compliance with the permit. EPA recommends the following language:

“Enforcement actions and litigation may not be initiated against the source or group of sources covered by this shield based on the regulatory and/or statutory provisions cited, as long as the following are true:

1. This facility remains in compliance with all terms and conditions of this permit, and
2. The reasons listed below why the shielded conditions are non-applicable remain valid for the source or group of sources covered by this shield.”

cc list

Ray Menebroker
California Air Resources Board
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Sacramento, CA 95814

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Fremont, CA 94538